

## **Notification Procedures to Corps of Engineers for WSDOT Emergencies**

For WSDOT emergency work near, adjacent to, or in water (waters of the US or jurisdictional waters), WSDOT will make a good faith effort to notify the Corps' Regulatory Branch prior to proceeding with the work, following the notification procedures detailed below. If a permit is required and no notification was made, the Corps could consider the work a knowing and willful violation.

1. Contact the Corps to determine any permitting requirements. Below is **Normal Work Hours and After Hour** contact information.

Jack Kennedy – NW, Olympic Regions & WSF – (206) 764-6907  
[jack.kennedy@nws02.usace.army.mil](mailto:jack.kennedy@nws02.usace.army.mil)

Sandy Manning – SW and Olympic Region – (206) 764-6911  
[sandra.l.manning@usace.army.mil](mailto:sandra.l.manning@usace.army.mil) and/or [sman461@ECY.WA.GOV](mailto:sman461@ECY.WA.GOV)

Rick Pratt– Central and Eastern Regions – (206) 764-6909  
[richard.i.pratt@usace.army.mil](mailto:richard.i.pratt@usace.army.mil)

Beth Coffey – Section Chief – (206) 764-6747 (day) or (206) 459-7251 (after hours)  
[frances.e.coffey@usace.army.mil](mailto:frances.e.coffey@usace.army.mil)

Muffy Walker – Branch Chief– (206) 764-6915 (day) or (206) 200 - 9954 (after hours)  
[michelle.walker@usace.army.mil](mailto:michelle.walker@usace.army.mil)

- If you are unable to make contact with either a Corps Project Manager or Chief, leave a voice mail on the appropriate Corps Managers phone for your respective region. WSDOT will also email and fax the emergency notification detailed information of the emergency as soon as possible. The fax number for everyone located in the main office in Seattle is (206) 764-6602. The information needed for notification is detailed below.

2. Information to give the Corps –

Before Responding Minimum Information Required for Corps Notification:

- (1) Where the work is located (highway, river mile, nearest waterbody, nearest city, etc.)
- (2) What work is being performed (replacement of lost riprap, bank protection, replacement of lost uplands, any large woody debris being placed, cleaning of a culvert, replacement of ferry terminal structure, etc.)

As Soon as Information is Available Provide the Following within 24 Hours. Include a discussion (amounts, location, etc.) of any temporary fill/work and when the material will be removed and how the area will be restored.

- (3) How the work is being performed (clean excavation with backhoe, pushing of material with bulldozer, blasting out the culvert with water, etc.)
- (4) If any of the proposed work is in wetlands or below the plane of ordinary high water (freshwater) or below the plane of mean higher high or mean high water (tidal)

- (5) Relationship of the proposed work to previously existing structures (replacing what previously existed or adding different structures, etc).
- (6) Photos, if available, can often be very helpful
- (7) Anything else that could help us to determine what is being proposed (reference previously issued permits for work at the site)
- (8) Include what coordination with the NMFS/USFW (Services) for ESA/EFH has occurred.

3. Based on the information provided, the Corps will need to determine:

- a. If the work will be replacing lost uplands after a catastrophic event– a Corps permit is required

Specifically, the Corps has jurisdiction over any activity involving the placement of fill material waterward of the current ordinary high water or mean higher high water mark and in any water of the U.S. Thus, under current Corps regulations and policy, uplands that are lost as a result of storm, flood, or other discrete event may not be replaced without first contacting the Corps for a DA permit determination.

- b. If the work will be replacing lost structures or structural fill, e.g., riprap, road fill, etc. **AND** the work is **only in Section 404** jurisdiction and the work is completed within 2 years of the unusual erosion event – exemption (323.4(a)(2)) may apply:

Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design. Emergency reconstruction must occur within a reasonable period of time after damage occurs in order to qualify for this exemption.

- The interpretation for “such as” is very narrow. If the structure being maintained is not one of those listed, the exemption does not cover the work.

- c. If the work can be authorized by a NWP – fax PCN, issue the NWP

- We need to make sure coordination with SHPO, Tribes, Services, Wild and Scenic Rivers agency, etc. is completed or they, in writing, have agreed to after-the-fact consultation

- d. If the work would require an **individual permit**, the Corps must follow the emergency procedures in 325.2(e)(4) including required coordination prior to work being performed in water of the U.S., with Northwest Division at Portland.

**Division engineers are authorized** to approve special processing procedures in emergency situations. An “emergency” is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures. In emergency situations, the district engineer will explain the circumstances and recommend special procedures to the

division engineer who will instruct the district engineer as to further processing of the application. **Even in an emergency situation, reasonable efforts will be made to receive comments from interested Federal, state, and local agencies and the affected public.**

Also, notice of any special procedures authorized and their rationale is to be appropriately published as soon as practicable.

- We need to make sure coordination with SHPO, Tribes, Services, Wild and Scenic Rivers agency, etc. is completed or they, in writing, have agreed to after-the-fact consultation